

Appln No. 10/799,143

Amdt date January 14, 2008

Reply to Office action of July 12, 2007

REMARKS/ARGUMENTS

New claims 31 and 32 are added to more completely cover certain aspects of the invention. Accordingly, claims 1-2, 5-8, 21-22, 25-27 and 29-32 are presently in the application for examination. (Claims 9-15 and 28 presently stand as withdrawn.)

On page 2 of the Office action, the Examiner states that the oath or declaration is defective because it does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56. Applicant respectfully traverses the objection.

The language used in the filed declaration states that the inventors "acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a)." This language is believed to encompass a duty that is at least equivalent to, and possibly broader than, the language suggested by the Examiner.

On pages 3-6 of the Office action, claims 1-2, 7-8, 21-22 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent DE 298 10 798, claims 5 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent DE 298 10 798 in view of Harms et al., and claims 6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent DE 298 10 798 in view of Hall. Applicant respectfully traverses the rejection. Fig. 1 of DE 298 10 798 does not show a full anchoring element, and, in particular, does not show the threading on the right-hand side of the anchoring element. Attached is a drawing, prepared by applicant, which adds the right-hand side of the anchoring element of DE 298 10 798, wherein the threading extends to a position beneath the outer surface of the rod. Accordingly, DE 298 10 798 does not anticipate claims 1-2, 7-8, 21-22 and 27 nor render obvious claims 5, 6, 25 and 26. Accordingly, applicant respectfully requests that the rejections be withdrawn.

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On pages 6-7 of the Office action, claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent DE 298 10 798. The Examiner states that it would have been an obvious matter of design choice to construct the first thread comprising fewer than four full turns, since such modification would have involved a mere change in the size of the component, i.e., the threaded area. The Examiner cites In re Rose in support of the rejection, Applicant respectfully traverses the rejection.

In re Rose involved the size of an article, i.e., a lumber package. It did not involve a change in size of one part of the article relative to the remainder of the article, as does the invention set forth in claims 29 and 30.

Claims 29 and 30 recite that "the first thread comprises fewer than four full turns." The number of turns is fewer than a conventional anchoring element having thread runout and results in a reduced overall height of the receiving part. See paragraphs 12, 21 and 40 of the substitute specification mailed to the Office on July 24, 2006. Accordingly, claims 29 and 30 are believed to be patentable over DE 298 10 798.

Claims 31 and 32 add the further limitation that "a depth of the undercut is at least equal to a depth of the first thread so that there is no thread runout at an end of the first thread opposite to the exterior end surface." For this additional reason, claims 31 and 32 are believed to be patentable over DE 298 10 798.

In view of the above, Applicant respectfully requests reconsideration of the application and the allowance of claims 1-2, 5-15, 21-22, 25-28 and 29-32.

Respectfully submitted,

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MEG/cks

Enclosure: Fig. 1 of DE 298 10 798 modified by Applicant

